



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10**

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REGIONAL
ADMINISTRATOR'S
DIVISION

March 20, 2023

Karin Boulter
RS&H
369 Pine Street, Suite 610
San Francisco, CA 94104

Dear Karin Boulter:

The U.S. Environmental Protection Agency has reviewed FedEx Express' (FedEx) January 2023 notice to prepare an Environmental Assessment for the FedEx Facility Development at Ted Stevens Anchorage International Airport (ANC) (EPA Project Number 23-0006-FAA). EPA has conducted its review pursuant to the National Environmental Policy Act and our review authority under Section 309 of the Clean Air Act. The CAA Section 309 role is unique to EPA and requires EPA to review and comment publicly on any proposed federal action subject to NEPA's environmental impact statement requirement.

EPA provides these scoping comments to FedEx because of their coordination with ANC and the Federal Aviation Administration on the proposed project. The EA will evaluate the potential environmental impacts associated with redeveloping and expanding the FedEx Cargo Development area at ANC to accommodate existing and future demand for cargo operations, increase operational efficiencies, and meet FAA and airport safety requirements.

EPA has concerns about potential impacts from project activities to several resource areas, including water quality and aquatic resources, per- and polyfluoroalkyl substances, air quality, environmental justice, public engagement, and climate change. The enclosed Detailed Comments provide greater detail of these and other concerns, as well as recommendations for the EA.

Thank you for the opportunity to provide scoping comments for this project. If you have questions about this review, please contact Susan Sturges of my staff at (206) 553-2117 and sturges.susan@epa.gov or me, at (206) 553-1774 or at chu.rebecca@epa.gov.

Sincerely,

Rebecca Chu, Chief
Policy and Environmental Review Branch

Enclosure

**U.S. EPA Detailed Comments on
FedEx Facility Development at Ted Stevens Anchorage International Airport EA Scoping
Anchorage, Alaska
March 2023**

Impacts to Water Quality and Aquatic Resources

Clean Water Act Section 404

The proposed project would require a permit under Section 404 CWA from the U.S. Army Corps of Engineers (USACE) for the discharge of dredged or fill material into waters of the U.S. (WOTUS). The proposed project would have direct impacts on freshwater wetlands within the project footprint and indirect impacts on nearby freshwater wetlands and estuarine mud flats outside of the project footprint. Freshwater wetlands and estuarine mud flats are considered special aquatic sites under the CWA Section 404(b)(1) Guidelines (40 CFR 230).

In August 2022, EPA provided comments to the USACE on a public notice for a Department of the Army permit for this project.^{1,2} In summary, EPA expressed concerns regarding:

- Cumulative effects of the loss of approximately 38 acres of wetlands in the areas immediately adjacent to ANC within a short period of time, which are the potential collective impacts from this project and two other projects proposed at ANC, Alaska Cargo and Cold Storage Facility and NorthLink's South Campus Air Cargo Terminal.
- Level of mitigation to fully compensate the potentially adverse impacts to WOTUS.
- Demonstration of compliance with policy and guidance in the Anchorage Wetlands Management Plan (AWMP).³ The project would impact wetlands identified as Postmark Drive West in the AWMP. The Postmark Drive West wetlands are designated as Class "A" wetlands and a "significant site due to both migratory and nesting bird habitat, stormwater treatment and attenuation values."⁴
- Demonstration of compliance with Section 404 CWA(b)(1) Guidelines.

EPA recommends that the NEPA document:

- Clearly identify any discharges to WOTUS that are known, or likely, to occur that are subject to CWA Section 404. Identify and describe the impact of those discharges, control measures to be employed to address those impacts, and best management practices to prevent discharge of water and pollutants.
- Include sufficient information that can serve as a basis to determine whether the project would satisfy the requirements for the CWA Section 404 permit or identify appropriate measures to mitigate the project's impacts to all WOTUS.
- Describe the regulatory criteria and processes utilized to screen potential alternatives and thoroughly evaluate alternatives that would pose less adverse impacts.
- Include mitigation measures to avoid, minimize, and compensate potentially adverse impacts to WOTUS. Describe how compensatory mitigation will be quantified and provided to offset

¹ Jensen, Amy. (August 25, 2022). [Letter from Amy Jensen, US EPA Region 10 to Bryan Herczeg, U.S. Army of Corps of Engineers, 2022]

² U.S. Army Corps of Engineers. (July 26, 2022). Public Notice POA-2021-00209.

³ Municipality of Anchorage. (2014, July). Anchorage Wetlands Management Plan. Available at: <https://www.muni.org/Departments/OCPD/Planning/Physical/EnvPlanning/Documents/Anchorage%20Wetlands%20Management%20Plan-2014.pdf>. Accessed 3/14/2023.

⁴ Ibid, p. 52.

impacts, including the history and availability of credits from the Klatt Bog Wetland Bank, which is proposed for use as compensatory mitigation.⁵ Given the AWMP designation of Class “A” for the affected wetlands, EPA recommends updating the wetlands functional assessment to determine the existing value of the wetlands to the municipality and if additional compensatory mitigation is needed to offset impacts.

- Provide the latest update of the status of the CWA Section 404 permit.

CWA Section 401

The CWA provides states and authorized tribes the authority to grant, deny, or waive certification of proposed federal licenses or permits that may discharge into WOTUS. This section of the CWA is an important tool for states and authorized tribes to help protect the water quality of federally regulated waters within their borders, in collaboration with federal agencies. In developing the NEPA analysis, EPA recommends early coordination with the State regarding CWA Section 401 for the purposes of streamlining regulatory processes.

CWA Section 303(d)

The CWA requires states to develop a list of impaired waters that do not meet water quality standards, establish priority rankings, and develop action plans called Total Maximum Daily Loads (TMDLs) to improve water quality. EPA recommends the NEPA analysis include information on CWA Section 303(d) impaired waters in the project area and any efforts related to TMDLs. Discuss what effect, if any, project discharges may have on impaired waterbodies. EPA recommends the NEPA analysis describe existing restoration and enhancement efforts for those waters, how the proposed project will coordinate with on-going protection efforts, and any mitigation measures that will be implemented to avoid further degradation of impaired waters.

PFAS

The ANC has conducted sampling on airport property that confirmed the presence of PFAS. The historical use of aqueous film forming foam, a standard firefighting agent that contains PFAS, is a suspected source of PFAS at airports worldwide.⁶ The ANC is listed on Alaska Department of Environmental Conservation’s PFAS contaminated sites.⁷ The USACE’s public notice for a Department of the Army permit for this project indicated that “the project design will evaluate management and control options, including possible in-situ mitigation options, such as treatment of the excess water flowing through the initial engineered fill layer using colloidal or granular activated carbon (GAC).”⁸

EPA recommends that the NEPA document disclose how the project plans to manage PFAS to avoid contamination of soil, water, and area wetlands. Further, we recommend that the NEPA document include:

- Locations of known or suspected areas of PFAS contamination within the project footprint and nearby proximity, including their contaminant levels.
- Areas proposed for excavation or dewatering that may increase the potential for aquatic resource contamination from PFAS releases.
- A plan for managing any contaminated soil, surface water, groundwater, or wetlands during the construction project.

⁵ Public Notice POA-2021-00209, p. 3.

⁶ <https://dot.alaska.gov/airportwater/anchorage/>. Accessed 3/9/2023.

⁷ <https://dec.alaska.gov/spar/csp/pfas/responses/>. Accessed 3/9/2023.

⁸ Public Notice POA-2021-00209, p. 2.

- A discussion of the potential for contamination exposure of these pollutants to aquatic resources from the proposed project.
- Necessary measures to avoid, minimize, and compensate for PFAS to support a future permit decision under the CWA.

Project Design

EPA recommends the NEPA document discuss avoiding and minimizing creation of new pollution generating impervious surfaces, such as using pervious pavement and other low impact development techniques for managing storm water and avoiding building over groundwater recharge areas; as well as efforts to minimize utilizing pollution generating materials during construction. Consider de-paving areas to mitigate for any new impervious surface needed for the project to achieve no net increase in pollution generating impervious surface. EPA recommends the NEPA document include opportunities to minimize impacts from storm water such as green infrastructure technologies. EPA has information on technologies including permeable paving systems, rainwater harvesting ideas, and bioswales that may be useful for reducing the impacts of development.⁹ EPA also has information on pollution generating materials, such as products with inadvertently generated PCBs (iPCBs), and information on products and pollution prevention solutions to reduce the release of iPCBs into the environment.¹⁰

Air Quality

EPA recommends the NEPA document discuss air quality impacts from project construction, maintenance, and operations with respect to criteria air pollutants and air toxics, including diesel particulate matter emissions. Also discuss the direct, indirect, and cumulative impacts of project related air emissions. Disclose current representative background air pollutant concentrations in the areas of the project and compare these concentrations to the state and federal ambient air quality standards. Disclose any other air quality regulations and requirements related to the project.

For air pollutant emissions expected during construction, discuss the potential exposure of these pollutants to nearby sensitive populations, such as residences including communities with environmental justice concerns, park/recreational users, schools, daycares, senior centers/assisted living facilities, hospitals, and other health-care facilities. EPA recommends including a discussion of measures to be taken to minimize air quality impacts on the local environment and decrease exposure of construction-related emissions to neighboring sensitive populations.

Environmental Justice

Executive Order 12898 directs federal agencies to identify and address the disproportionately high and adverse human health on environmental effects of their actions on minority and low-income populations, to the greatest extent practicable and permitted by law. Consider incorporating EO 13985 on *Advancing Racial Equity and Support for Underserved Communities Through the Federal Government* into FAA's analysis.

⁹ <https://www.epa.gov/green-infrastructure/what-green-infrastructure#Greenparking>. Accessed 3/17/2023.

¹⁰ <https://www.epa.gov/sites/default/files/2021-04/documents/p2-pcb-factsheet-508.pdf>. Accessed 3/17/2023. Also see https://www.epa.gov/sites/default/files/2021-05/documents/final_pcb_buildings_fact_sheet_05-10-2021_to_upload.pdf. Accessed 3/17/2023; https://www.epa.gov/sites/default/files/2017-06/documents/06072017_final_pcbfast_toolbox_508compliant.pdf. Accessed 3/17/2023; and https://www.newmoa.org/wp-content/uploads/2022/08/PCB_Brochure_2_Final.pdf. Accessed 3/17/2023.

EJScreen is EPA's nationally consistent environmental justice screening and mapping tool.¹¹ EJScreen offers a variety of powerful data and mapping capabilities that enable users to understand details about the population of an area and the environmental conditions in which they live. The tool provides information on environmental and socioeconomic indicators as well as pollution sources, health disparities, critical service gaps, and climate change data. The data is displayed in color-coded maps and standard data reports which feature how a selected location compares to the rest of the nation and state.

Assessing EJScreen information is a useful first step in understanding or highlighting locations that may be candidates for further review or outreach. EPA considers a project to be in an area of potential environmental justice (EJ) concern when an EJScreen analysis for the impacted area shows one or more of the twelve EJ Indexes at or above the 80th percentile in the nation and/or state. An area may also warrant additional review if other information suggests the potential for EJ concerns. An EJScreen analysis which does not reveal the potential for EJ concerns should not be interpreted to mean that there are definitively no EJ concerns present.

It is important to consider all impacted areas by the proposed action(s). Areas of impact can be focused and contained within a single block group, or they can be broader, spanning across several block groups and communities.¹² Important caveats and uncertainties apply to this screening-level information, so it is essential to understand the limitations on appropriate interpretations and applications of these indicators.¹³ Further review or outreach may be necessary for the proposed action(s). To address these potential concerns, EPA recommends the NEPA document:

- Apply methods from "Environmental Justice Interagency Working Group Promising Practices for EJ Methodologies in NEPA Reviews" report to this project.¹⁴ This report compiles methodologies from current agency practices for integrating EJ considerations in NEPA processes.
- Characterize the project site with specific information or data related to EJ concerns.¹⁵
- Describe potential EJ concerns for all EJ Indexes at or above the 80th percentile in the state and/or nation.
- Screen for and describe all individual block groups within or intersecting a 1-mile radius of the project.
- Describe individual block groups within the project area in addition to an area-wide assessment.
- As EJScreen does not have data on all factors that may be relevant for identifying EJ concerns, supplement data with county level reports and local knowledge.

¹¹ EPA's Environmental Justice Screening and Mapping Tool (Version 2.0): <https://ejscreen.epa.gov/mapper/>. Accessed 3/2/2023.

¹² Agencies should define community as "either a group of individuals living in geographic proximity to one another, or a geographically dispersed set of individuals (such as migrant workers or Native Americans), where either type of group experiences common conditions" (Interim Justice40 Guidance – Executive Order 14008 on Tackling the Climate Crisis at Home and Abroad, January 27, 2021).

¹³ EPA's Technical Documentation for EJScreen: <https://www.epa.gov/ejscreen/technical-information-about-ejscreen>. Accessed 3/2/2023.

¹⁴ Promising Practices for EJ Methodologies in NEPA Reviews: https://www.epa.gov/sites/default/files/2016-08/documents/nepa_promising_practices_document_2016.pdf. Accessed 3/2/2023.

¹⁵ For more information about potential EJ concerns, refer to the July 21, 2021, Memorandum for the Heads of Departments and Agencies Interim Implementation Guidance for the Justice40 Initiative: <https://www.whitehouse.gov/wp-content/uploads/2021/07/M-21-28.pdf>. Accessed 3/2/2023.

Meaningful Public Engagement

EPA recommends the NEPA document detail the opportunities for effective and meaningful public engagement for communities with EJ concerns, as described in the Promising Practices for EJ Methodologies in NEPA reviews. We recommend the following measures to further advance meaningful involvement:

- Carefully review and consider community feedback provided during the NEPA process. Ensure that the NEPA engagement approach is sensitive and responsive to the wellbeing of affected communities.
- Ensure that community feedback is reflected in the decision-making process. Design robust community engagement practices to maximize participation opportunities for communities that would be affected by the project, such as community-based workshops to facilitate discussion and issue resolution. Community-based workshops may also provide an opportunity to identify key issues and milestones for meaningful engagement in the NEPA process for the communities. Community engagement practices examples include:
 - Provide early and frequent outreach and engagement opportunities to collect and incorporate community feedback throughout the NEPA process and to maintain maximum transparency.
 - Ensure that translation/interpretation services are provided to address language barriers for any linguistically isolated populations.
 - Address technology barriers that may prohibit participation from communities affected by the project.
 - Ensure that meetings are scheduled at a time and location that is accessible for community participants, including scheduling meetings after work hours and on weekends as appropriate.
 - Provide ample notice of meetings and commenting opportunities so that community members have sufficient time to prepare and participate.
 - Promote engagement opportunities within appropriate outlets used by affected communities, such as newspapers, radio, and social media.
 - Ensure that all project-related information is conveyed using plain language so that community members of varied reading proficiencies can readily understand the project-related information.

Greenhouse Gases and Climate Change

On January 9, 2023, the Council on Environmental Quality (CEQ) published interim guidance to assist federal agencies in assessing and disclosing climate change impacts during environmental reviews.¹⁶ CEQ developed this guidance in response to EO 13990 on *Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis*. This interim guidance is effective immediately. CEQ indicated that agencies should use this interim guidance to inform the NEPA review for all new proposed actions and may use it for evaluations in process, as agencies deem appropriate, such as informing the consideration of alternatives or helping address comments raised through the public comment process. EPA recommends the NEPA document apply the interim guidance as appropriate, to ensure robust consideration of potential climate impacts, mitigation, and adaptation issues.

¹⁶ <https://www.federalregister.gov/documents/2023/01/09/2023-00158/national-environmental-policy-act-guidance-on-consideration-of-greenhouse-gas-emissions-and-climate>. Accessed 3/17/2023.